

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

**DECISION AND ORDER**  
12-CR-261-A

DONALD M. RUPPERT, Jr.,

Defendant.

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This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., for supervision of all pretrial proceedings. On November 23, 2012, defendant Ruppert filed a motion seeking suppression of statements made to law enforcement. (Dkt. No. 6). After an evidentiary hearing, supplemental briefing, and oral argument of the motion, on June 14, 2013, Magistrate Judge Schroeder issued a Report and Recommendation recommending that defendant's motion to suppress be denied. (Dkt. No. 15).

On July 1, 2013, defendant Ruppert filed objections to the Magistrate Judge's Report and Recommendation. (Dkt. No. 17). The United States filed a response on July 25, 2013 (Dkt. No. 20) and Court heard oral argument (Dkt. No. 21).

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a *de novo* determination of those portions of the Report and Recommendation to which objections have been made. Upon *de novo* review and after reviewing the submissions of the parties and hearing oral argument, the Court adopts the

proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to suppress his statements is denied in all respects. The parties shall appear before this Court on October 4, 2013 at 2:00 p.m. for a status conference and/or meeting to set trial date.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: October 3, 2013